



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,923	01/02/2001	Joel D. Tucciarone	004-0003	7355
46064	7590	07/07/2006	EXAMINER	
LAU & ASSOCIATES 7701 ROCKLEDGE COURT SPRINGFIELD, VA 22152				RETTA, YEHDEGA
		ART UNIT		PAPER NUMBER
		3622		

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/750,923	TUCCiarone et al.	
	Examiner	Art Unit	
	Yehdega Retta	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 06 April 2006.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,4-53 and 65-75 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,4-53 and 65-75 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

This office action is in response to the Appeal Brief filed April 6, 2006. Claims 1, 4-53 and 65-75 are currently pending.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 30 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicant's specification teaches the information account as one type of account, claim 30 however recites that the account comprises of several accounts. Therefore, having several accounts in one account is not enabled.

Claim 69 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant specification teaches email account used for the delivery of the result. However the specification does not teach use of email alias account wherein the aliases are deleted from the account once a predetermined time has expired.

Regarding claim 70, the specification does not teach relational database (see par. 0141).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The preamble of the claim recites a method for requesting and collection promotional information to influence an individual's purchasing decisions, the steps claimed however does not indicate that promotional information is collected and there is no step taken to influence an individual's purchasing decisions. Claim 73 or 74 provides support for Examiner's interpretation of claim 1, that the information collected could be any information since both claims recite same features. There is no difference between claim 1 and 73 or 74 except for the intended use claimed in claim 1. Therefore, it is unclear how the storing of the result of a request, influences the decision of an individual. For purpose of complete and thorough examining, the Examiner applied art based on the intended use of the claimed invention. Examiner however asserts that the feature of collecting promotional information to influence an individual's purchase decision as claimed in the preamble is intended use only.

Claim 9 recites wherein the action taken is one of made a purchase, not made a purchase, continued make a request etc. Claim 7 and 8 recites that an action is taken and the action taken is categorized. Examiner's assumption is that the action is taken by the user and the user is categorized as making a purchase or not. It is unclear whether the category is one of a purchase or not or the action. It is unclear to the Examiner how an

action taken could be “not made a purchase” or ‘purchased within a time range” or “abandoned the request”. Examiner understanding is that the category of the action taken is one of the Clarification is required.

Regarding claims 10-12, the claims recite inputting information associated with various level of readiness to buy, or a purchase intentionality index or usage index. The claims depend on claim 1, which recites entering request and collecting result. It is unclear how the determination of the level of readiness to buy or the purchase or usage intentionality is made based on the collected result. In other words there is no indication that the information collected provides the level or readiness or intentionality of the user.

Claim 47 recites designating automatic forwarding of “requested information/advertising emails”. There is not requested email recited in claim 1, therefore it lacks antecedent basis for the limitation in the claim.

Claim 74 recites the limitation "of requested information/advertising e-mails". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 5, 7-13, 15-17, 21-24, 28-39, 41-45, 49, 65-67 and 73-75, are rejected under 35 U.S.C. 102(e) as being anticipated by Chern et al. (6,381,456).

Regarding claims 1, 28, 33 and 75, Chern teaches making a request by indicating type of information of the request and collecting a result obtained form the network in response to a request with the duration; maintaining a record to capture the request and a result; receiving in the information account a result obtained; collecting in the information account a result obtained and storing the request and result (see fig. 3, 16 and 17 and col. 3 lines 42-48). Chern teaches a server receiving a request and monitoring for conditions specified by the requesting device, and when the condition is met generating an alert message and sending the message to the device (see col. 1 line 58 to col. 2 line 9), wherein the message is promotional information to influence individual's purchasing decisions (see col. 6 lines 24-34, col. 11 line 48 to col. 12 lines 28). Chern teaches a user entering a duration in which a request is active. Chern teaches the user sending a monitoring request to the server requesting to be alerted if changes occur with her itinerary and the server determining that the user's flight has been delayed from 3:30 PM to 4:15 PM generates appropriate alert messages. Chern further teaches based on the user's profile (i.e., coffee drinker or frequent flyer program member), the alert message content (flight delay), and the user's location (airport or nearby), the ad server generates an appropriate ad message that is appended to the alert message. Ad message, for example, notifies the user of a coffee promotion in the airport. The Ad message notifies the user of a frequent flyer promotion in the airport (see col. 36-63).

Regarding claim 4, Chern teaches determining an amount of the result in the record (see col. 2 lines 20-40, col. 12 lines 29-43).

Regarding claim 5 Chern teaches user preference database to record past activity of the user; action is one of made a purchase, not a purchase etc.,(see col. 1 line 62 to col. 2 line 61, col. 3 line 40 to col. 4 line 41, col. 7 line 63 to col. 9 line 11 and col. 10 line 55 to col. 11 line 18, Fig. 5A).

Regarding claims 7-11, Chern teaches user selecting promotions or sales notification, which indicates that the user readiness or purchase or usage intentionality (see col. 12 lines 4-43). Chern teaches analyzing user behaviors in view of the record (coffee drinker or frequent flyer); wherein the taking an action based on the result and categorizing the action as one of made purchase, not made a purchase, continued to make the request etc (user categorized as coffee drinker or frequent flyer indicates user action was analyzed based on the result).

Regarding claim 12, Chern teaches providing a promotion based on the usage or purchase index (see Chern col. 13 lines 50-64),

Regarding claim 13, Chern teaches specifying destination regarding where a result of the request is to be delivered (to the requesting device) (fig. 16 and col. 13 line 51 to col. 14 lines 20).

Regarding claims 15-17, Chern teaches request comprising a plurality of parameters; wherein the duration is preset for one of a future activation date and a future cut-off date (col. 6 lines 23-65, col. 7 lines 34-60).

Regarding claims 21-24, Chern teaches entering geographic region, promotional type or source of origin where the type of information to be collected from (see col. 6 lines 14-65).

Regarding claims 29, 34 and 35, Chern teaches receiving alters and specifying the repetitive pattern the type of information should be delivered (see col. 15 lines 33-43).

Regarding claim 30, Chern teaches the account comprising of short messaging account (see col. 3 lines 42-65).

Regarding claim 31, Chern teaches the type of information indicated by one of selecting from an index with a mouse, entering from a keyboard, etc (see col. 5 line 59 to col. 6 lines 50).

Regarding claim 32, Chern teaches the type of information is search from one of public domain resource and a private domain resource (see col. 11 line 48 to col. 12 line 28).

Regarding claim 36, Chern teaches specify a format of a result (see col. 15 lines 33-43).

Regarding claim 37, Chern teaches the format comprises HTML/PIX, video, audio, etc. (see col. 8 lines 17-30).

Regarding claims 38 and 39, Chern teaches specifying whether a related subject of the type of the information is desired; whether the search should conducted in one of public domain resource (see col. 12 lines 4-28).

Claim 41 is rejected as stated above in claims 18, 36 and 38.

Regarding claims 42-45, Chern teaches wherein the method is implemented in one of an instant messaging, wireless messaging, etc.,; in one of active or launched upon; integrated as a request utility as part of one of web site or portal (see col. 3 lines 50-65, col. 5 lines 41-58, col. 11 lines 28-60, col. 16 lines 18-31).

Regarding claim 49, Chern teaches capturing requester behavior with respect to a result delivered (see col. 6 lines 24-65 and col. 13 lines 50-64).

Regarding claim 53, Chern teaches a password recognized by a lookup table (see col. 11 lines 27-47).

Regarding claim 65, Chern teaches requesting and collecting of information performed by being one of trusted intermediary or third party (see col. 11 line 48 to col. 12 lines 28).

Regarding claim 66, Chern teaches holding a lookup table (see col. 11 lines 27-67).

Regarding claim 67, Chern teaches feature achieved by a channelized address (see col. 11 lines 28-47).

Regarding claims 73 and 74, Chern teaches making a request by indicating type of information of the request and collecting a result obtained from the network in response to a request with the duration; maintaining a record to capture the request and a result; receiving in the information account a result obtained; collecting in the information account a result obtained and storing the request and result (see fig. 3, 16 and 17 and col. 3 lines 42-48). Chern teaches a server receiving a request and monitoring for conditions specified by the requesting device, and when the condition is met generating an alert message and sending the message to the device (see col. 1 line 58 to col. 2 line 9), wherein the message is promotional information to influence individual's purchasing decisions (see col. 6 lines 24-34, col. 11 line 48 to col. 12 lines 28). Chern teaches a user entering a duration in which a request is active. Chern teaches the user sending a monitoring request to the server requesting to be alerted if changes occur with her

itinerary and the server determining that the user's flight has been delayed from 3:30 PM to 4:15 PM generates appropriate alert messages 862, 872. Chern further teaches based on the user's profile (i.e., coffee drinker or frequent flyer program member), the alert message content (flight delay), and the user's location (airport or nearby), the ad server generates an appropriate ad message that is appended to the alert message. Ad message 864, for example, notifies the user of a coffee promotion in the airport. The Ad message 874 notifies the user of a frequent flyer promotion in the airport (see col. 36-63). Chern teaches user selecting promotions or sales notification, which indicates that the user readiness or purchase or usage intentionality (see col. 12 lines 4-43). Chern teaches analyzing user behaviors in view of the record (coffee drinker or frequent flyer); wherein the taking an action based on the result and categorizing the action as one of made purchase, not made a purchase, continued to make the request etc (user categorized as coffee drinker or frequent flyer indicates user action was analyzed based on the result).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chern et al. (6,381,456) and further in view of Official Notice.

Regarding claim 6, Chern does not teach determining an actual duration of the request stayed active. Official notice is taken that is well known in the art of computing

to determine the actual duration of a request. It is well known to determine if a user cancelled a request before the requested duration is fulfilled. It would have been obvious to one of ordinary skill in the art at the time of the invention to know whether user cancelled the request or not in order to analyze user behavior for a better marketing strategy.

Regarding claim 18, Chern does not explicitly teach entering the quantity of information desired as expressed in on of fixed number and range. Official notice is taken that is old and well known in the art of database search to allow user to enter quantity of information to receive. It would have been obvious to one or ordinary skill in the art at the time of the invention to include such feature in Chern's alert system in order allow users to limit the number of alerts to receive since users prefer to receive only the most relevant matches.

Regarding claim 47, Chern does not explicitly teach automatic forwarding of emails. However official notice is taken that is old and well known to designate automatic forwarding of emails in the art of electronic mail. It would have been obvious to one of ordinary skill in the art at the time of the invention to set such feature in Chern's notification system in order to automatically inform other concerned parties.

Regarding claim 50, Chern does not teach capturing requester behavior with respect to the result as one of opening the result, saving or deleting etc. Official Notice is taken that is old and well known in the art electronic commerce to captures user behavior and to know whether user opened or deleted the message. It would have been obvious to one of ordinary skill in the art at the time of the invention to include such feature in

Chern' alert system in order to determine whether is advertisement or message sent to the user was effective or not.

Regarding claim 69, Chern does not explicitly teach email alias account that expires after a predetermined time. Official notice is taken that is well known to provide alias account in the art of electronic mail service. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide such feature in Chern's notification system for the intended purpose of protecting the user from spammers.

Regarding claim 70, Chern teaches databases however does not explicitly teach storing computer table in a relational database. Official Notice is taken that is old and well known to use relational database. It would have been obvious to one of ordinary skill in the art at the time of the invention to use relational database since it is scaleable

Claims 14, 19, 20, 25-27, 46, 53, 68, 71 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chern et al. (6,381,456) and further in view of O'Flaherty et al. (US 6,253,203).

Regarding claims 19 and 20, Chern does not explicitly teach entering a preferred method of transmission as expressed in a transmission rate or for particular type of receiving terminus, it is taught in O'Flaherty (see col. 13 lines 15-42). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide selection of different method of transmission for the intended use of providing option to users.

Regarding claims 25-27, Chern teaches the information in the result is listed or ranked in order of best matches to the user's request and/or preferences, However failed to teach entering a delivery priority of the type of information based on a plurality of

terminus. O'Flaherty teaches different preference for delivery of information (see col. 9 lines 324-53, col. 10 lines 29-39). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide an option for user to select where specific information should be received based on plurality of terminus, as in O'Flaherty. One would be motivated to provide such option since user would prefer to receive important alerts on a device the user is currently using.

Regarding claims 14, 46, 71 and 72, O'Flaherty teaches requester's identity concealed from a provider (see col. 9 lines 4-65, col. 10 lines 17-39). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide such anonymity to the users of Chern, as in O'Flaherty, since some users would like to stay anonymous.

Regarding claim 68, Chern does not teach feature achieved by a limited used cryptographic system, it is taught in O'Flaherty see col. 10 lines 40-49). It would have been obvious to one of ordinary skill in the art at the time of the invention to implement O'Flaherty's encryption system in Chern's notification system in order to provide security to the users' information as taught in O'Flaherty.

Claims 40, 48, 51 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chern et al. (6,381,456) and further in view of Bisdikian et al. (US 5,974,406).

Regarding claim 40, Chern does not teach taking payment information. Bisdikian teaches receiving payment information from user (see col. 4 lines 1-14). It would have been obvious to one of ordinary skill in the art at the time of the invention to take

payment information in Chern's system as in Bisdikian in order to allow user to pay for service and/or product.

Regarding claims 51, 52, Chern does not explicitly teach should the request fail to specify any preference or request criteria default preferences are imposed, it is taught in Bisdikian. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide such feature in Chern' notification system. One would be motivated to include such feature by selecting the most selected preference, as a default preference, so the user could be notified anyway even if the preference is not set.

Response to Arguments

Applicant's arguments, see, filed April 6, 2006, with respect to the rejection(s) of claim(s) 1, 4-53, 65-75 under "102" and "103" have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Chern.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Matsumoto et al. (US 6,763,334) teaches arranging delivery of advertisement.

Bennett et al. US 2001/0032137 teaches delivering advertisement based on user preference.

Stiles et al. (US 6,842,737) teaches delivering a report to consumer based on consumer-specific travel profile.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yehdega Retta
RETTA YEHDEGA
PRIMARY EXAMINER

YR